

Applicant : J. Stuart Cumming  
Appl. No. : 09/943,910  
Examiner : Christopher D. Prone  
Docket No. : 13533.4030

### Remarks

Claims 1-2, 5-14 and 16-33 are pending in this application. Claims 3-4 and 15 have been cancelled without prejudice. New claims 34-60 have been added in this Amendment. Reconsideration of this application is requested.

Upon a review of the inventors, applications and patents, it became apparent that Serial No. 20630 filed 02/22/93, now Patent No. 5,476,514, fully supports all of the present independent claims and many of the dependent claims. The present application is referred to a continuation-in-part because *inter alia*, some of the new Figures in this application include notches in the haptics. However, the broader independent claims do not define notches and are fully supported by the disclosure of the earlier co-pending application which is now Patent No. 5,476,514, a copy of which is enclosed. The Examiner will note in particular Figures 16 through 18, 34, and 44 of '514 which are the same as (without notches) present application Figures 1, 2, 3, 4, and 5. If it would be helpful to the Examiner, a specific reading of the present claims on the earlier priority application can be provided upon request.

In view of the foregoing, the earlier cited Klass Patent No. 5,522,891 does not constitute prior art. Even so, it is respectfully submitted that the present claims and the previous claims in this application patentably define over the combination of patents cited by the Examiner. Furthermore, the cited Schlegel Patent No. 4,673,406 is not in any way an accommodating lens such that haptics are adopted to move the optic anteriorly and posteriorly relative to the outer ends of the haptics upon constriction and relaxation of the ciliary muscle of the eye.

It is noted that there was a restriction requirement in the Office Action of November 18, 2003, which was responded to in the Response of January 28, 2004. It is submitted that new Claims 34-39, 40, 41-42, and 43-45 clearly read on the elected Species F, namely Figures 10, 11, and Claims 34-39, 40, 41-42, 43 and 50 are generic to Figures 1-5, 8-11.

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### Conclusion

Prompt and favorable action on the merits of the claims and a Notice of Allowance is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

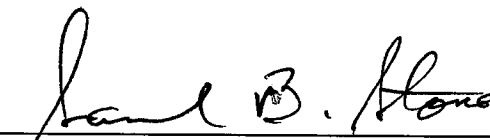
The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 7, 2006

By: \_\_\_\_\_



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